

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JAMES KEVIN MACK, SR.,

Case No. 2:24-cv-01549-CDS-BNW

Plaintiff

ORDER

v.

JEREMY BEAN, et al.,

Defendants

On August 22, 2024, pro se plaintiff James Kevin Mack, Sr., an inmate in the custody of the Nevada Department of Corrections, submitted a complaint under 42 U.S.C. § 1983. (ECF No. 1-2). Plaintiff has neither paid the full \$405 filing fee for this matter nor filed an application to proceed *in forma pauperis*.¹ (See ECF No. 1).

I. DISCUSSION

The United States District Court for the District of Nevada must collect filing fees from parties initiating civil actions. 28 U.S.C. § 1914(a). As of December 1, 2023, the fee for filing a civil-rights action is \$405, which includes the \$350 filing fee and the \$55 administrative fee. See 28 U.S.C. § 1914(b). “Any person who is unable to prepay the fees in a civil case may apply to the court for leave to proceed *in forma pauperis*.” Nev. Loc. R. Prac. LSR 1-1. For an inmate to apply for *in forma pauperis* status, the inmate must submit **all three** of the following documents to the Court: (1) a completed **Application to Proceed in Forma Pauperis for Inmate**, which is pages 1–3 of the Court’s approved form, that is properly signed by the inmate twice on page 3; (2) a completed **Financial Certificate**, which is page 4 of the Court’s approved form, that is properly signed by both the inmate and a prison or jail official; and (3) a copy of the **inmate’s prison or jail trust fund account statement for the previous six-month period**. See 28 U.S.C. § 1915(a)(1)–(2); Nev. Loc. R. Prac. LSR 1-2. *In forma pauperis*

¹ Although Plaintiff did file a financial certificate and an inmate trust fund account statement, Plaintiff did not file the 3-page form application to proceed *in forma pauperis*. (See ECF No. 1-1).

1 status does not relieve an inmate of his or her obligation to pay the filing fee, it just means
2 that the inmate can pay the fee in installments. See 28 U.S.C. § 1915(b).

3 **II. CONCLUSION**

4 It is therefore ordered that Plaintiff has **until September 27, 2024**, to either pay
5 the full \$405 filing fee or file a completed application with the inmate's two signatures on
6 page 3.

7 Plaintiff is cautioned that this action will be subject to dismissal without prejudice if
8 Plaintiff fails to timely comply with this order. A dismissal without prejudice allows Plaintiff
9 to refile the case with the Court, under a new case number, when Plaintiff can file a
10 complete application to proceed *in forma pauperis* or pay the required filing fee.

11 The Clerk of the Court is directed to send Plaintiff the approved form application to
12 proceed *in forma pauperis* for an inmate and instructions for the same and retain the
13 complaint (ECF No. 1-2) but not file it at this time.

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15 DATED: August 27, 2024.

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18 UNITED STATES MAGISTRATE JUDGE
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